

**United States District Court
Eastern District of Michigan
Southern Division**

United States of America,

Criminal No. 17-20183

Plaintiff,

Hon. Mark A. Goldsmith

v.

D-1 Darrick Bell,

D-5 Harold Lashawn Nero,

Defendants.

Government's Memorandum in Response to Court's March 16, 2022 Order

The government submits this memorandum in response to the Court's March 16, 2022 Order. First, the government concurs with defense counsels' position and cited authority on the masking policy in two ways: (1) witnesses should not have a mask on while testifying and (2) attorneys should not be required to wear a mask when addressing a witness or juror. (*See* ECF No. 763). The government leaves it to the Court's discretion as to the masking of potential jurors in the venire.

Second, as indicated in the government's March 21, 2022 email correspondence, the parties have agreed on: (1) the number of peremptory challenges (14 combined for defense counsel, and 10 for the government, to be used across all potential jurors), (2) the number of alternate jurors (six), and (3) that those alternate jurors should be designated by lots after closing arguments and before deliberations.

Last, the government does not oppose the Court's stated procedure for permitting jurors to ask witnesses questions.

Respectfully submitted,

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Date: March 22, 2022

Certificate of Service

I hereby certify that on March 22, 2022, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send an electronic copy to counsel of record: James Amberg and Mark Magidson.

/s/ Jerome F. Gorgon Jr.

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